UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/ICEF/1991/L.1/Add.1/Corr.1
27 March 1991

ORIGINAL: ENGLISH

UNITED NATIONS CHILDREN'S FUND
Executive Board
1991 session

FOR INFORMATION

ANNOTATED VERSION OF THE MODEL BASIC CO-OPERATION AGREEMENT BETWEEN UNICEF AND GOVERNMENTS

Corrigendum

Document E/ICEF/1991/L.1/Add.1 contains an annotated version of the proposed model Basic Cooperation Agreement between the United Nations Children's Fund (UNICEF) and Governments, in document E/ICEF/1991/L.1/Rev.1. Reference was made to documents confirming established policy and procedures. In addition, the relevant provisions of the Convention on the Privileges and Immunities of the United Nations and the Standard Basic Assistance Agreement between the United Nations Development Programme and Governments were also presented for ease of reference and for comparison.

This corrigendum specifies the changes which are referred to in the recommendation in document E/ICEF/1991/L.1/Rev.1. The document incorporates changes in articles IV, V, VI, VIII, X, XXI and XXIV to reflect views expressed by several members of the Executive Board in the course of extensive consultations between Board members and the UNICEF secretariat.

READEX FICHE

Corrigendum	Comments
1. Page 5, left column, title Before AGREEMENT insert BASIC COOPERATION	The addition is necessary to reflect the full title of the Agreement.
2. Page 12, article IV, UNICEF office Paragraph 1, line 3 For country, as required, read country as the parties may consider necessary	
Paragraph 3 At the end of the paragraph, insert: , as the parties may agree.	It is envisaged that the agreement of the parties referred to here can be by simple exchange of letters.
3. Page 14, article V, Personnel, paragraph 3 At the end of the paragraph, insert: , in accordance with established custom.	The notification requirement is derived from section 17 of the Convention, to identify the category of officials entitled to the privileges and immunities of the United Nations. The communication of such and other notifications to Member States is done in accordance with standard United Nations practice.
4. Page 14, article VI, Government contribution Paragraph 1 The first sentence should read 1. The Government shall provide to UNICEF to every extent possible and as required:	The words "to every extent possible" are intended to ensure that contributions to local costs do not place an undue burden upon the Government, and that they are commensurate with its financial means, based on the criteria established by the General Assembly for developing countries and the least developed among them.

Corrigendum	Comments
Paragraph 1 (c) After UNICEF personnel delete , or fuel for official vehicles used by them,	
Paragraph 3 (b) After supply delete at preferential rates	
5. Page 19, article VIII, Intellectual property rights Replace paragraphs 1 and 2 by the following: 1. Consistent with the policies of the United Nations, it is agreed that the ownership of patent rights, copyrights and other similar intellectual property rights in any works, discoveries or inventions resulting from programme activities and operations fully financed by UNICEF shall be vested in UNICEF for the benefit of all member countries. 2. The Government shall inform UNICEF promptly of any particular right or rights in any works, discoveries or inventions which to its knowledge have resulted from the implementation of programme activities fully funded by UNICEF and shall, at the request of UNICEF, assist UNICEF to register such rights, in accordance with national legislation and other applicable international instruments.	This article is revised to make it clear that ownership of the said intellectual property rights would only vest in UNICEF where the programme activities are fully funded by it, which would exclude claims to such ownership where the Government has made a substantial contribution to the activities from which the discovery or invention results.

Corrigendum	Comments
3. The Government shall have the right to use and exploit any such intellectual property rights, discoveries or inventions, and to obtain any necessary licences free of any royalty or charge.	
6. Page 22, article X, UNICEF office, property, funds and assets, paragraph 4, line 5 After the Government, insert consistent with its national legislation	The change in this paragraph is intended to clarify that the agreement is to be interpreted consistently with the generally accepted principles of international law and applied in a manner most consistent with the overall intent of enabling UNICEF to fulfil its mandate.
7. Page 32, article XXI, Interpretation, paragraph 1, line 1 For shall be interpreted and read shall be interpreted in accordance with the general principles of international law and shall be	
8. Page 34, Article XXIV, Entry into force First paragraph At the end of the paragraph insert , and pending such ratification it shall, by agreement of the parties, be given provisional effect.	The addition reflects the provisions of article 25 (1) of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or Between International Organizations (not yet in force), which requires the agreement of the parties for provisional application of a treaty.

Corrigendum	Comments
Final clause	
Lines 2 and 3: for duly appointed representatives read duly authorized plenipotentiary	The change to plenipotentiary conforms to terminology used in reference to the authorized representative of a State.
Line 4: For UNICEF, respectively, have read duly appointed representative of UNICEF, have	